



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/403,071	01/13/2000	TAKUYA NISHIMURA	MTS-V03176	6807

7590 02/28/2006
RATNER & PRESTIA
ONE WESTLAKES BERWYN
PO BOX 980 SUITE 301
VALLEY FORGE, PA 194820980

EXAMINER

TRAN, TONGOC

ART UNIT PAPER NUMBER

2134

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/403,071	Applicant(s) NISHIMURA ET AL.	
	Examiner Tongoc Tran	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-9, 12, 17, 23 and 31-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 and 22 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9, 12, 17, 23 and 31-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to Applicant's amendment filed on December 8, 2005. Claims 1-3, 5-9, 12, 17, 20, 22-23 and 31-42 are pending.

Response to Arguments

2. Applicant's arguments filed 12/8/2005 have been fully considered but they are not persuasive. Applicant contends that Sugiyama fails to teach *encrypting the digital AV data using the transmitted sole single key and further contends that Sugiyama does not disclose anything on how the digital AV data is encrypted and how the digital AV data is transmitted (remark, pages 2-4)*. Examiner asserts that Sugiyama teaches a sole single key (session key) is encrypted by secret key and sent to a server through a network (page 6, 1st and 2nd paragraph). Sugiyama further discloses different keys are used according to different secure levels encompasses determining the selection of keys according to certain criteria set. The set criteria would determine the selected key and because Sugiyama teaches a session key is encrypted based on the secret key. The limitation is met.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2134

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-9, 12, 17, 23 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama et al. (JP 408297638A) in view of Al-Tuwaijry (IEE Conference Publication, "High Speed RSA Processor", 1991).

In respect to claim 1, Sugiyama discloses a digital AV data transmitting unit comprising:

data significance deciding means deciding the significance degree of digital AV data (see page 1, 2nd paragraph)

transmitting-side plurality-of-authentication-rules storing means storing a plurality of types of authentication rules (see page 1, 3rd paragraph, transmitting-side authentication selecting means selecting one type of rule from the transmitting-side plurality-of-authentication-rules storing means in accordance with a decision result by the data significance deciding means when receiving an authentication request; and transmitting-side authenticating means performing authentication in accordance with the selected authentication rule (see page 1, 4th paragraph); a common key is used for transmitting a sole single key from a transmission unit to a plurality of receiving units depending on the security level, and the sole single key does not depend on the respective receiving units, and is used when the digital AV data is transmitted from the transmitting unit to the receiving units; and if the first rule or the second rule is selected by the transmitting-side authenticating means, the digital AV data encrypted using the transmitted sole single key is transmitted from the transmitting unit to the receiving unit (page 6, 1st – 2nd paragraph).

Art Unit: 2134

Sugiyama does not disclose wherein the plurality of types of authentication rules includes a first rule configured to use a public key and a secret key to provide a first type of encryption having high-security against forgery or alteration, and a second rule configured to use a common key to provide a second type of encryption having low-security against forgery or alteration. However, However, Al-Tuwaijry discloses the private key system (e.g. DES) are more widely used than the public key systems because they are fast and easy to implement, but provide low security and the public key system (e.g. RSA) provide much higher security levels but they are very slow (see Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the public key system with slower response time and common key system with faster response time taught by Al-Tuwaijry with Sugiyama's teaching that give priority to the response time at the sacrifice of low security level because public key system is more secure than private key system.

In respect to claim 2, the claim limitation is a receiving unit that is substantially similar to claim 1. Therefore, claim 2 is rejected based on the similar rationale.

In respect to claims 3, 5-6 and 12, the claim limitations are transceiving system claims including plurality of transmitting and receiving devices of claims 1 and 2. Therefore, claims 3, 5-6 and 12 are rejected based on the similar rationale.

In respect to claims 7-9 ,17, 23 and 31-33, the claims limitations are similar to claims 1-3. Therefore, claims 7-9, 17, 23 and 31-33 are rejected based on the similar rationale.

1. Claims 34-42 are are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama et al. (JP 408297638A) in view of Al-Tuwaijry (IEE Conference Publication, "High Speed RSA Processor", 1991) and further in view of Smyers (U.S. Patent No. 5,948,136).

In respect to claims 34-42, Sugiyama and Al-Tuwaijry disclose transmitting unit of claim 31 but do not disclose but Smyers wherein the predetermined control criterion is a reference list capable of identifying an illegal unjust digital AV data receiving unit and the identification information serves as an ID for the control criterion corresponding to the receiving unit and a signature for the ID (see Abstract, col. 3, lines 8-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teaching of Sugiyama's authentication between transmitting device and receiving device with Smyers teaching of predetermined device registration list to identity the device ID for device identification and verifying if receiving device is authorized to receive copy protected content before transmitting the copyrighted content data.

Allowable Subject Matter

4. Claims 20 and 22 are allowed.

The following is an examiner's statement of reasons for allowance:

Sugiyama and Smyers do not disclose a decoding-information selecting means transmitting the decoding information having levels equals to or lower than the deciding authentication level to the receiving unit wherein the decoding-information selecting means transmit request decoding information to the receiving unit without performing the authentication procedure.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tongoc Tran whose telephone number is (571) 272-3843. The examiner can normally be reached on 8:30-5:00.

Art Unit: 2134

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner: Tongoc Tran
Art Unit: 2134

February 17, 2006


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER